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FAPE
AMENDMENT WITHOUT A MEETING

SANTA FE ISD

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ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEETING

What is Required

Definitions

"Change of placement" means a proposed change to the IEP which substantially or materially affects the composition of the educational program and services provided to the student. A simple change in the location of a building or facility is not, generally, viewed to be a change in placement where there are no significant changes in the educational program.

"Individualized Educational Program ("IEP")" means a written statement for each special education student that includes the student's present levels of academic achievement and functional performance, participation in state and district-wide assessments, transition services, annual goals, special factors, special education, related services, supplementary aids and services, extended school year services, and least restrictive environment.

Additional Procedures

In making changes to a student's IEP after the student's annual ARD Committee meeting, the parent of a student with a disability—or an adult student—and Campus Special Education Personnel may agree not to convene an ARD Committee meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP. Campus Special Education Personnel should document and maintain a record of any communications between the parent and Campus Special Education Personnel regarding the IEP amendment.

The purpose of the IEP amendment is to make minor changes to the IEP during the year it is in effect. Examples of when an IEP amendment without a meeting may be appropriate include:

- To correct minor errors or discrepancies in ARD Committee meeting documentation;
- To make changes in the Present Level of Academic Achievement and Functional Performance ("PLAAFP");
- To amend measurable short-term objectives where doing so will not result in a change in service delivery hours and/or student placement;
- To add or remove instructional accommodations and/or supplementary aids where doing so will not result in a change in service delivery hours and/or student placement;

- To add or remove assistive technology devices where doing so will not result in a change in service delivery hours and/or student placement;
- To modify transportation services once eligibility for transportation is established;
- To increase or decrease the frequency of speech or related services that is not a change in placement; and
- To modify statewide testing accommodations.

If substantial or comprehensive changes need to be made to a student's IEP, an ARD Committee meeting should be convened to develop a new, complete IEP. An IEP amendment without an ARD Committee meeting cannot be utilized for eligibility determinations, to change a student's placement, or for manifestation determination reviews and for any other purpose for which the district determines an IEP amendment without a meeting may not be used.

If Campus Special Education Personnel and the parent agree to amend the student's IEP without convening an ARD Committee meeting, Campus Special Education Personnel must obtain the parent's signature indicating agreement or disagreement with the proposed change Campus Special Education Personnel must also provide the parent with Prior Written Notice of the amendment, as well as a revised copy of the IEP with the amendment(s) incorporated. See [PRIOR WRITTEN NOTICE].

If the parent disagrees with the amendment or fails to return the signed agreement, an ARD Committee meeting must be held to discuss the changes. If the parent returns the signed agreement, indicating agreement with the amendment, the campus must wait 5 days from the time Campus Special Education Personnel receive the signed agreement to implement the changes, unless the parent has agreed otherwise. Once the IEP is amended, the ARD Committee members must be informed of those changes. In addition, Campus Special Education Personnel shall provide a copy of the IEP amendment to all teachers and service providers and obtain confirmation of receipt and understanding of the IEP amendment. An IEP amendment cannot replace the required annual ARD Committee meeting, and parents continue to have the option to call an ARD Committee meeting to consider IEP changes at any time.

In summary, Campus Special Education Personnel should complete the following steps to amend an IEP without an ARD Committee meeting:

- Determine that there is consensus among district-based members of the ARD Committee that the IEP amendment is indicated and appropriate;

- Discuss the proposed IEP amendment with the student's parent in person or by phone and provide written documentation to the parent regarding the proposed IEP amendment;
- Obtain parent signature of agreement to amend the IEP;
- Distribute the signed amendment to all ARD Committee members and implementers;
- File the original, signed amendment in the student's eligibility form with the annual IEP being amended;
- Inform the ARD Committee of the amendment;
- Provide parent with Prior Written Notice;
- Provide parent with a copy of the IEP with the amendments incorporated.

At least annually, Campus and District Personnel will receive training outlining the district's procedures regarding IEP amendments, including when changes cannot be made through amendment without a meeting (i.e., eligibility determinations, changes of placements, and manifestation determination reviews).

The district will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

E**vidence of Implementation**

- IEP Amendment
- Parent's Written Agreement
- Documentation of Amendment Discussions
- Documentation of Receipt of IEP Amendment to ARD Committee Meeting
- Documentation of Receipt of IEP Amendment to Implementors of IEP
- Prior Written Notice
- ARD/IEP
- Documentation for the state in TSDS, PEIMS, and SPP

Resources

- The Texas Legal Framework for the Child-Centered Special Education Process: Amendment Without a Meeting - Region 18
- Amending an IEP Without a Meeting - Partners Resource Network
- OSERS Questions and Answers on Individualized Education Programs (IEPs), Evaluations, and Reevaluations (Sept. 2011) - U.S. Department of Education

Citations

- Board Policy EHBAA; Board Policy EHBAB; 20 U.S.C. 1414, 1415(k); 34 CFR 300.116, 300.306, 300.324(a), 300.530(e)